

Serial No. 10/015,520

Remarks

Claims 29 and 30 are pending in the subject application. The Examiner has asked that Applicants provide information regarding applications related to the subject application. Pursuant to this request, Applicants provide the attached Table 1. Table 1 is provided for Examiner edification and should in no way be used to construe the scope or meaning of any claims of any patent cited in Table 1.

Next, claims 29 and 30 were rejected under obviousness-type double patenting in view of U.S. Patent No. 5,910,421. Applicants submit herewith a Terminal Disclaimer and fee attendant to this Terminal Disclaimer. Applicants request reconsideration of this rejection.

Claims 29 and 30 are rejected under 35 USC 112, first paragraph, as not being enabled. Applicants respectfully assert that the amendments to claim 29 obviate this rejection. The specification discusses that nasal secretions may be collected in a receptacle generally, or specifically configured collection device. See page 14 of specification. The way in which the nasal secretions are collected is not critical. Any general collection means could be used to collect the nasal secretions, and one skilled in the art could determine proper collection devices without undue experimentation. Applicants have amended claim 29 to recite that the nasal secretions may be contacted with "a device comprising a support upon which is fixed discrete indicators of pH, protein content, nitrite content, leukocyte esterase activity, and eosinophil content or TAME esterase or both". Applicants assert that this additional language further clarifies the contacting step of the claimed method, and that this language obviates any concern regarding enablement of the claim. Claim 30 is construed to contain all of the limitations of the independent claim 29. Accordingly, in view of the foregoing remarks and amendments to claim 29, Applicant respectfully requests reconsideration and withdrawal of the 35 USC 112, first paragraph rejection.

Serial No. 10/015,520

Lastly, claims 29 and 30 are rejected under 35 USC 112, second paragraph. The Examiner states that the abbreviation TAME should be spelled out at its first occurrence. The abbreviation TAME-esterase is well-known in the art to mean tosyl L- arginine methyl ester esterase. Applicants have amended claim 29 above to spell out the TAME acronym. Such amendment does not affect the scope of the claim 29. In view of this amendment, reconsideration of this 35 USC 112, second paragraph rejection is respectfully requested.

The title of the invention has been amended above. The new title is more clearly indicative of the invention to which the claims are directed.

The Abstract of the Disclosure has been amended above. The new abstract is more pertinent to the invention currently claimed.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Timothy H. Van Dyke, Applicants' Attorney at 407-926-7726 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Date: 8/9/01


  
Timothy H. Van Dyke  
Reg. No. 43218  
Beusse, Brownlee, Wolter, Mora & Maire, P.A.  
390 N. Orange Ave., Suite 2500  
Orlando, Florida 32801  
Tel.: 407-926-7726  
Fax: 407-926-7720

TABLE I

Serial No.	Inventors	Title	Claims	Status
08/576,604	Parker Small; Shih-Wen Huang	Rapid Diagnostic Method for Distinguishing Allergies and Infections		Abandoned
08/621,557	Parker Small; Shih-Wen Huang	Rapid Diagnostic Method for Distinguishing Allergies and Infections	Directed to methods of differentiating	Issued 5,910,421
09/936,954	Parker Small; Shih-Wen Huang	Rapid Diagnostic Method for Distinguishing Allergies and Infections	Directed to methods of diagnosing bacterial sinusitis	Pending
09/597,360	Parker Small; Shih-Wen Huang; Ronald Kudla	Rapid Diagnostic Method for Distinguishing Allergies and Infections and Nasal Secretion Collection Unit	Directed to methods of differentiating with specific collection device	Issued 6,551,791
10/015,520	Parker Small; Shih-Wen Huang; Ronald Kudla	Rapid Diagnostic Method for Distinguishing Allergies and Infections and Nasal Secretion Collection Unit	Directed to device for rapidly diagnosing	Pending
10/015,525	Parker Small; Shih-Wen Huang; Ronald Kudla	Rapid Diagnostic Method for Distinguishing Allergies and Infections and Nasal Secretion Collection Unit	Directed to nasal secretion collection device	Issued 6,764,849
10/015,521	Parker Small; Shih-Wen Huang; Ronald Kudla	Rapid Diagnostic Method for Distinguishing Allergies and Infections and Nasal Secretion Collection Unit	Directed to methods of differentiating using differentiating device	Pending
10/015,509	Parker Small; Shih-Wen Huang; Ronald Kudla	Rapid Diagnostic Method for Distinguishing Allergies and Infections and Nasal Secretion Collection Unit	Directed to kits for rapidly diagnosing	Pending
60/535699	Parker Small	Diagnosis of Bacterial Sinusitis	N/A	Pending